

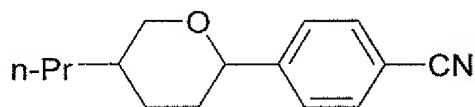
REMARKS

The allegations in the Office Action do not apply to the compounds in claim 1 due to the proviso. The proviso specifies Y¹¹ for compounds comprising one or more benzene rings to the right of the tetrahydropyran ring in the formula. The definition of Y¹¹ in the proviso does not comprise plain alkyl, F, CN, nor alkoxy. For example, alkyl must be modified as indicated in the proviso.

The Examiner cites Yanai et al. wherein in column 10, lines 15-20 an alkoxy difluoro benzene compound is exemplified. The alkoxy group is disclaimer explicitly in the proviso, though, by stating in the definition of Y¹¹ that "alkyl does not stand for alkoxy."

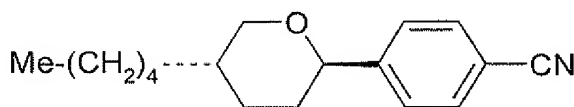
The Examiner further cites the two Eidenschink et al. references, specifically pointing to compounds

95377-05-2



and

96787-16-5



These compounds are also excluded by the proviso because Y¹¹ in them corresponds to CN, which is not included in the proviso.

A point for clarification is that ring A in formula I is not benzene by definition. Therefore any 3- or 5-phenyl-tetrahydropyrans in any of the references (especially in Eidenschink et al.) do not anticipate or render obvious the compounds of claim 1. For 2- or 6-phenyl-tetrahydropyrans the above-mentioned proviso applies.

Reconsideration is respectfully requested.

No amendments were made as a result of any specific allegation in the Office Action. Thus, a subsequent Office Action, if any, should not be a final action.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Csaba Henter/

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